

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL ONGAY,

Defendant.

Criminal Action No. 06- 38

REDACTED

**INDICTMENT**

The Grand Jury for the District of Delaware charges that:

**Count I**

On or about February 23, 2006, in or near Wilmington, in the State and District of Delaware, Miguel Ongay, defendant herein, did knowingly possess with the intent to distribute a substance containing a detectable amount of heroin, a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

**Count II**

On or about February 23, 2006, in or near Wilmington, in the State and District of Delaware, Miguel Ongay, defendant herein, did knowingly distribute to S.S. a substance containing a detectable amount of heroin, a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

**Count III**

On or about February 23, 2006, in the State and District of Delaware, Miguel Ongay, defendant herein, during and in relation to a drug trafficking crime for which the person may be prosecuted in



a court of the United States, to wit, possession with intent to distribute heroin, in violation of Title 21, United States Code, Section 841(a)(1), as alleged in Count I of the Indictment, incorporated by reference herein, did, in furtherance of such crime, knowingly possess a firearm, to wit, a Benelli, Model Nova, 12 gauge shotgun, serial no. Z103002, a loaded Star, Model 31P, .9mm pistol, serial no. 1934007, and a loaded Smith & Wesson .38 caliber revolver, serial no. 502100, in violation of Title 18, United States Code, Section 924(c)(1)(A).

**Count IV**

On or about February 23, 2006, in or near Wilmington, in the State and District of Delaware, Miguel Ongay, defendant herein, did knowingly possess a substance containing a detectable amount of marijuana, a controlled substance, in violation of Title 21, United States Code, Section 844.

**NOTICE OF FORFEITURE**

Upon conviction of one or more of the controlled substance offenses alleged in Counts I and II of this Indictment, the defendants shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations.

If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property described above.

A TRUE BILL:

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Foreperson

COLM F. CONNOLLY  
United States Attorney

By: Richard G. Andrews  
Richard G. Andrews  
First Assistant United States Attorney

Dated: 4/4/06